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ERB, NATHAN				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/747,936

Applicant(s)

OGG ET AL.

Examiner

NATHAN ERB

Art Unit

3628

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 and 21-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 and 21-24 is/are rejected.
- 7) ☒ Claim(s) 1-3, 8, 10 and 23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/08)
Paper No(s)/Mail Date 20070711
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Applicants' response to Office action was received on November 23, 2007.
3. In light of Applicants' amendment of the claims, all of the claim rejections under 35 U.S.C. 101 from the previous Office action are hereby withdrawn. However, note the new rejections under 35 U.S.C. 101 below in this Office action.
4. In light of Applicants' amendment of the claims, all of the claim rejections under 35 U.S.C. 112, second paragraph, from the previous Office action are hereby withdrawn.
5. In light of Applicants' amendment of the claims, the prior art rejections of the claims have been modified below in this Office action.
6. Examiner believes that the modified prior art rejections, along with their revised citations and explanatory comments, render Applicants' arguments not applicable.

Claim Objections

7. Claims 1-3, 8, 10, and 23 are objected to because of the following informalities:
 - a. In the second line of claim 1, please insert a comma after the word "provide."
 - b. In the fifth line of claim 1, please insert a comma after the word "receiving."
 - c. In the tenth line of claim 1, please insert a comma after the word "receiving."
 - d. In claim 1, in the fifth-from-last line on p. 3, please remove the comma.
 - e. In the fifth line of claim 2, please remove the second occurrence of the word "the."
 - f. In the last line of claim 2, please replace the word "media" with "--medium--."

- g. In the last line of claim 3, please replace the word "media" with --medium--.
 - h. In the second-from-last line of claim 8, please remove the comma.
 - i. In the first line of claim 10, please replace the word "classs" with --class--.
 - j. In the fourth line of claim 23, please insert a comma after the word "retrieving."
- Appropriate correction is required.

Claim Rejections - 35 USC § 101

8. Claims 8-9 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. These claims are to a graphical symbol for mail pieces, isolated from the system which imparts function to the graphical symbol. Therefore, this information constitutes nonfunctional descriptive material and is non-statutory under 35 U.S.C. 101. See MPEP 2106.01(II).

Claim Rejections - 35 USC § 102

9. Claims 10-12, 18, and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Montgomery et al., U.S. Patent Application Publication No. US 2003/0101143 A1.

As per **Claim 10**, Montgomery et al. discloses:

- a method of encoding a trackable first class mail piece identifier as a graphic symbology (Figures 19 and 22; paragraph [0032]; paragraphs [0087]-[0088]; paragraph [0089]; paragraphs [0090]-[0093]; ID is a tracking ID; does not exclude envelope mail; tracking numbers may be added to first class mail in the future; invention may be applied to first class mail pieces);
- receiving a request by a user to print computer-based postage for a particular first class mail piece for mailing the particular first class mail piece to a particular delivery address

(Figures 19 and 22; paragraph [0089]; paragraphs [0090]-[0093]; users request postal indicia from postal vendors; invention may be applied to first class mail pieces);

- assigning a tracking identifier to trackably correspond to the particular first class mail piece, wherein the tracking identifier trackably identifies the particular first class mail piece during a particular period of time, wherein the tracking identifier comprises a mailing subscriber identifier, a mailing identifier, and a delivery address identifier, wherein the delivery address identifier is trackably unique within a combination of the subscriber identifier and the mailing identifier during a period of time, and wherein the mailing subscriber identifier corresponds to an authorization by the postal authority for tracking first class mailings by a first class mail piece tracking provider (Figures 19 and 22; paragraph [0004]; paragraphs [0024]-[0025]; paragraph [0032]; paragraphs [0087]-[0088]; paragraph [0089]; paragraphs [0090]-[0093]; invention may be applied to first class mail pieces; mailing subscriber identifier is vendor ID; ID is a tracking ID; mailing identifier is user account number plus piece count [or ascending register]; vendor ID plus user account number plus piece count [or ascending register] is to be unique over a period of time, thereby allowing tracking; may include POSTNET bar code, which identifies delivery address);

- encoding the tracking identifier as a graphic symbology (Figure 19).

As per **Claim 11**, Montgomery et al. further discloses said method further comprising:
relating the tracking identifier to the user (paragraph [0089]; paragraphs [0090]-[0093]).

As per **Claim 12**, Montgomery et al. further discloses wherein encoding the tracking identifier as a graphic symbology comprises encoding the tracking identifier as a machine-readable bar code (Figure 19; paragraphs [0087]-[0088]; paragraph [0089]; paragraph [0146]).

As per **Claim 18**, Montgomery et al. discloses:

- a method using a computer-based postage system for printing a trackable first class mail piece identifier for a first class mail piece (Figures 19 and 22; paragraph [0032]; paragraphs [0087]-[0088]; paragraph [0089]; paragraphs [0090]-[0093]; ID is a tracking ID; does not exclude envelope mail; tracking numbers may be added to first class mail in the future; invention may be applied to first class mail pieces; system uses computers);

- printing postage indicium for a particular first class mail piece in accordance with a postage printing request, wherein the postage printing request comprises a delivery address (paragraph [0096]; paragraph [0133]);

- printing a first class mail piece tracking identifier for the particular first class mail piece, wherein the first class mail piece tracking identifier comprises: a mailing subscriber identifier corresponding to an authorization by a governmental postal authority for tracking first class mailings, a mailing identifier, and a delivery address identifier corresponding to the delivery address, wherein the delivery address is trackably unique within a combination of the subscriber identifier and the mailing identifier during a particular period of time (paragraphs [0024]-[0025]; paragraph [0089]; paragraphs [0090]-[0093]; paragraph [0095]; paragraph [0104]; vendor ID [described as possibly part of a “Device ID”] is assigned by USPS; tracking provider is a postal vendor; mailing identifier is user account number plus piece count [or ascending register];

mailing subscriber identifier is vendor ID; vendor ID plus user account number plus piece count [or ascending register] is to be unique over a period of time, thereby allowing tracking).

As per **Claim 23**, Montgomery et al. discloses:

- a method for retrieving a trackable first class mail piece identifier using a computer-based postage system (Figures 19 and 22; paragraph [0032]; paragraphs [0087]-[0088]; paragraph [0089]; paragraphs [0090]-[0093]; paragraphs [0190]-[0194]; ID is a tracking ID; does not exclude envelope mail; tracking numbers may be added to first class mail in the future; invention may be applied to first class mail pieces; system uses computers);

- retrieving from a plurality of electronic first class mail piece identifier representations, an electronic first class mail piece identifier that matches a particular first class mail piece identifier that trackably identifies a particular first class mail piece during a particular period of time (Figures 19 and 22; paragraph [0032]; paragraphs [0087]-[0088]; paragraph [0089]; paragraphs [0090]-[0093]; paragraphs [0190]-[0194]; ID is a tracking ID; does not exclude envelope mail; tracking numbers may be added to first class mail in the future; invention may be applied to first class mail pieces).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Montgomery et al.

As per **Claim 21**, Montgomery et al. fails to disclose wherein the postage indicium is printed on a first label and wherein the first class mail piece tracking identifier is printed on a second label. However, that element/limitation was well-known to one of ordinary skill in the art at the time of Applicants' invention (two labels are often used in the corner and center of envelopes, for example). It would have been obvious to one of ordinary skill in the art at the time of Applicants' invention to modify the invention of Montgomery et al. such that the postage indicium is printed on a first label and the first class mail piece tracking identifier is printed on a second label, as was well-known to one of ordinary skill in the art at the time of Applicants' invention. Motivation is provided in that it was well-known to one of ordinary skill in the art at the time of Applicants' invention that tracking information is sometimes placed near the address information in the center of an envelope instead of near the postage indicium in the corner of the envelope.

As per **Claim 22**, Montgomery et al. fails to disclose wherein the postage indicium and the first class mail piece tracking identifier are printed on an envelope. However, that element/limitation was well-known to one of ordinary skill in the art at the time of Applicants' invention (postal meters often can print on envelopes or labels). It would have been obvious to one of ordinary skill in the art at the time of Applicants' invention to modify the invention of Montgomery et al. such that the postage indicium and the first class mail piece tracking identifier

are printed on an envelope, as was well-known to one of ordinary skill in the art at the time of Applicants' invention. Motivation is provided in that it was well-known to one of ordinary skill in the art at the time of Applicants' invention that envelopes and labels may each be preferred in different circumstances.

12. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Baker et al., U.S. Patent Application Publication No. US 2004/0215478 A1.

As per **Claim 24**, Baker et al. discloses:

- a method for tracking individual outbound mail pieces using a computer-based postage system (paragraph [0002]; paragraphs [0004]-[0010]; paragraph [0020]; paragraph [0028]);
- assigning a composite confirm identifier to a particular mail piece wherein said composite confirm identifier trackably identifies the particular mail piece during a particular period of time (paragraph [0002]; paragraphs [0004]-[0010]; paragraph [0020]; paragraph [0028]; paragraph [0035]);
- relating the composite confirm identifier for the particular mail piece to a particular mailer (paragraph [0002]; paragraphs [0004]-[0010]; paragraph [0020]; paragraph [0028]).

Baker et al. fails to disclose wherein mail pieces are first class mail pieces. However, that element/limitation was well-known to one of ordinary skill in the art at the time of Applicants' invention (first-class is a very common classification of flat mail). It would have been obvious to one of ordinary skill in the art at the time of Applicants' invention to modify the invention of Baker et al. such that mail pieces are first class mail pieces, as was well-known to one of ordinary skill in the art at the time of Applicants' invention. Motivation is provided in

that it was well-known to one of ordinary skill in the art at the time of Applicants' invention that first class is one of the most commonly used classifications of mail.

13. Claims 1-5, 7-9, and 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Montgomery et al. in view of Baker et al.

As per **Claim 1**, Montgomery et al. discloses:

- a method for a first class mail piece tracking provider to provide to a plurality of users, tracking of individual outbound first class mail pieces using a computer-based postage system (Figures 19 and 22; paragraph [0032]; paragraphs [0087]-[0088]; paragraph [0089]; paragraphs [0090]-[0093]; ID is a tracking ID; does not exclude envelope mail; tracking numbers may be added to first class mail in the future; invention may be applied to first class mail pieces; tracking provider is a postal vendor; system uses computers);

- receiving from a postal authority, a mailing subscriber identifier assigned by the postal authority, a mailing subscriber identifier corresponding to the first class mail piece tracking provider, the mailing subscriber identifier corresponding to an authorization by the postal authority for tracking first class mailings by the first class mail piece tracking provider (Figures 19 and 22; paragraph [0089]; paragraphs [0090]-[0093]; paragraph [0104]; mailing subscriber identifier is vendor ID; vendor ID [described as possibly part of a "Device ID"] is assigned by USPS; tracking provider is a postal vendor);

- receiving from a user, a request to mail a particular first class mail piece to a delivery address, wherein the request from the user to mail the particular first class mail piece comprises an indication by the user to provide tracking of the particular first class mail piece (Figures 19

and 22; paragraph [0089]; paragraphs [0090]-[0093]; users request postal indicia from postal vendors; postal indicia contain tracking IDs; request is thus at least an implicit indication by user to provide tracking; invention may be applied to first class mail pieces);

- determining a delivery address identifier corresponding to the delivery address (paragraph [0004]; paragraphs [0087]-[0088]; may include POSTNET bar code, which identifies delivery address);

- determining a next available mailing identifier for which a combination of a destination tracking service type, the mailing subscriber identifier, the next available mailing identifier, and the delivery address identifier corresponding to the delivery address, would trackably identify the particular first class mail piece during a particular period of time (paragraphs [0024]-[0025]; paragraph [0089]; paragraphs [0090]-[0093]; mailing identifier is user account number plus piece count [or ascending register]; mailing subscriber identifier is vendor ID; vendor ID plus user account number plus piece count [or ascending register] is to be unique over a period of time, thereby allowing tracking);

- assigning a first class mail piece tracking identifier to the particular first class mail piece, wherein the first class mail piece tracking identifier trackably identifies the particular first class mail piece during the particular period of time, and wherein the first class mail piece tracking identifier comprises the mailing subscriber identifier, the next available mailing identifier, and the delivery address identifier (Figures 19 and 22; paragraph [0004]; paragraph [0032]; paragraphs [0087]-[0088]; paragraph [0089]; paragraphs [0090]-[0093]; invention may be applied to first class mail pieces; mailing subscriber identifier is vendor ID; ID is a tracking ID; mailing identifier is user account number plus piece count [or ascending register]; vendor ID

plus user account number plus piece count [or ascending register] is to be unique over a period of time, thereby allowing tracking; may include POSTNET bar code, which identifies delivery address);

- relating the first class mail piece identifier to the user (paragraph [0089]; paragraphs [0090]-[0093]; account number in vendor ID plus user account number plus piece count [or ascending register] relates the mail piece to a user).

Montgomery et al. fails to disclose wherein the tracking identifier includes the destination tracking service type. Baker et al. discloses wherein the tracking identifier includes the destination tracking service type (paragraph [0002]; paragraph [0020]; paragraph [0028]; first two digits of PLANET code is service type). It would have been obvious to one of ordinary skill in the art at the time of Applicants' invention to modify the invention of Montgomery et al. such that the tracking identifier includes the destination tracking service type, as disclosed by Baker et al. Motivation is provided by Baker et al. in that the service type indicates whether an origin CONFIRM service or a destination CONFIRM service is desired (paragraph [0002]; paragraph [0020]; paragraph [0028]).

As per **Claim 2**, Montgomery et al. further discloses said method further comprising: encoding the first class mail piece identifier as a graphic symbology; and fixing the first class mail piece identifier graphic symbology in a visual media (Figure 19).

As per **Claim 3**, Montgomery et al. further discloses said method further comprising: physically associating the first class mail piece identifier graphic symbology fixed in the visual

media with the particular first class mail piece (Figure 19; paragraphs [0087]-[0088]; paragraph [0089]; paragraph [0146]).

As per **Claim 4**, Montgomery et al. further discloses said method further comprising: receiving a plurality of electronic mail piece identifier representations, each electronic mail piece identifier representation corresponding to one of a plurality of first class mail piece identifiers; and retrieving from the plurality of electronic mail piece identifier representations, an electronic mail piece identifier that matches the first class mail piece identifier that uniquely identifies the particular first class mail piece (paragraphs [0190]-[0194])

As per **Claim 5**, Montgomery et al. fails to disclose wherein the mail piece identifier further comprises: a service type. Baker et al. further discloses wherein the mail piece identifier further comprises: a service type (paragraph [0002]; paragraph [0020]; paragraph [0028]). It would have been obvious to one of ordinary skill in the art at the time of Applicants' invention to modify the invention of Montgomery et al. as modified in the rejection for claim 1 such that the mail piece identifier further comprises: a service type, as disclosed by Baker et al. Motivation is provided by Baker et al. in that the service type indicates whether an origin CONFIRM service or a destination CONFIRM service is desired (paragraph [0002]; paragraph [0020]; paragraph [0028]).

As per **Claim 7**, Montgomery et al. further discloses the method further comprising: encoding the first class mail piece identifier as a machine-readable bar code; and printing the

machine-readable bar code as a label for the particular first class mail piece (Figure 19; paragraphs [0087]-[0088]; paragraph [0089]; paragraph [0146]).

As per **Claim 8**, Montgomery et al. discloses:

- a unique mail piece identifier graphic symbology (Figure 19; paragraphs [0087]-[0088]; paragraph [0089]; paragraph [0146]);

- an encoded mailing subscriber identifier corresponding to a mailing subscriber identifier assigned by a postal authority to a first class mail piece tracking provider, wherein the mailing subscriber identifier corresponds to an authorization by the postal authority for tracking first class mailings by the first class mail piece tracking provider (Figures 19 and 22; paragraph [0089]; paragraphs [0090]-[0093]; paragraph [0104]; mailing subscriber identifier is vendor ID; vendor ID [described as possibly part of a "Device ID"] is assigned by USPS; tracking provider is a postal vendor);

- an encoded mailing identifier, the encoded mailing identifier comprising an encoding of a mailing identifier (Figure 19; paragraphs [0024]-[0025]; paragraph [0089]; paragraphs [0090]-[0093]; mailing identifier is user account number plus piece count [or ascending register]; mailing subscriber identifier is vendor ID; vendor ID plus user account number plus piece count [or ascending register] is to be unique over a period of time, thereby allowing tracking);

- an encoded delivery address identifier corresponding to a delivery address to which a particular user of the first class mail piece tracking provider has requested destination tracking of a particular first class mail piece, wherein a combination of the encoded destination tracking service type, the encoded mailing subscriber identifier, the encoded mailing identifier, and the

encoded delivery address identifier corresponding to the delivery address, trackably identifies a particular first class mail piece during a particular period of time (Figures 19 and 22; paragraph [0004]; paragraph [0032]; paragraphs [0087]-[0088]; paragraph [0089]; paragraphs [0090]-[0093]; invention may be applied to first class mail pieces; mailing subscriber identifier is vendor ID; ID is a tracking ID; mailing identifier is user account number plus piece count [or ascending register]; vendor ID plus user account number plus piece count [or ascending register] is to be unique over a period of time, thereby allowing tracking; may include POSTNET bar code, which identifies delivery address).

Montgomery et al. fails to disclose an encoded destination tracking service type. Baker et al. discloses an encoded destination tracking service type (paragraph [0002]; paragraph [0020]; paragraph [0028]; first two digits of PLANET code is service type). It would have been obvious to one of ordinary skill in the art at the time of Applicants' invention to modify the invention of Montgomery et al. such that it includes an encoded destination tracking service type, as disclosed by Baker et al. Motivation is provided by Baker et al. in that the service type indicates whether an origin CONFIRM service or a destination CONFIRM service is desired (paragraph [0002]; paragraph [0020]; paragraph [0028]).

Montgomery et al. fails to disclose wherein the tracking identifier includes the destination tracking service type. Baker et al. further discloses wherein the tracking identifier includes the destination tracking service type (paragraph [0002]; paragraph [0020]; paragraph [0028]; first two digits of PLANET code is service type). It would have been obvious to one of ordinary skill in the art at the time of Applicants' invention to modify the invention of Montgomery et al. as modified above in this rejection such that the tracking identifier includes the destination tracking

service type, as disclosed by Baker et al. Motivation is provided by Baker et al. in that the service type indicates whether an origin CONFIRM service or a destination CONFIRM service is desired (paragraph [0002]; paragraph [0020]; paragraph [0028]).

As per Claim 9, Montgomery et al. further discloses said unique mail piece identifier graphic symbology further comprising: wherein the encoded delivery address identifier is trackably unique during a particular period of time, within a combination the encoded mailing subscriber identifier and the encoded mailing identifier (Figures 19 and 22; paragraph [0004]; paragraph [0032]; paragraphs [0087]-[0088]; paragraph [0089]; paragraphs [0090]-[0093]).

Montgomery et al. fails to disclose an encoded service type identifier. Baker et al. further discloses an encoded service type identifier (paragraph [0002]; paragraph [0020]; paragraph [0028]; first two digits of PLANET code is service type). It would have been obvious to one of ordinary skill in the art at the time of Applicants' invention to modify the invention of Montgomery et al. as modified in the rejection for claim 8 such that it includes an encoded service type identifier, as disclosed by Baker et al. Motivation is provided by Baker et al. in that the service type indicates whether an origin CONFIRM service or a destination CONFIRM service is desired (paragraph [0002]; paragraph [0020]; paragraph [0028]).

As per Claim 13, Montgomery et al. discloses:

- a method for tracking individual outbound first class mail pieces (Figures 19 and 22; paragraph [0032]; paragraphs [0087]-[0088]; paragraph [0089]; paragraphs [0090]-[0093]; ID is

a tracking ID; does not exclude envelope mail; tracking numbers may be added to first class mail in the future; invention may be applied to first class mail pieces);

- receiving a postage printing request from a particular mailer, said postage printing request comprising a request to mail a particular first class mail piece to a delivery address, wherein the request from the user to mail the particular first class mail piece comprises an indication by the user to provide tracking of the particular first class mail piece (Figures 19 and 22; paragraph [0089]; paragraphs [0090]-[0093]; users request postal indicia from postal vendors; postal indicia contain tracking IDs; request is thus at least an implicit indication by user to provide tracking; invention may be applied to first class mail pieces);

- determining a delivery address identifier corresponding to the delivery address (paragraph [0004]; paragraphs [0087]-[0088]; may include POSTNET bar code, which identifies delivery address);

- formulating a next available first class mail piece identifier for which a combination of a mailing subscriber identifier corresponding to an authorization by a governmental postal authority for tracking first class mailings, the next available first class mail piece identifier, and the delivery address identifier corresponding to the delivery address, would trackably identify the particular first class mail piece during a particular period of time (Figures 19 and 22; paragraph [0004]; paragraph [0032]; paragraphs [0087]-[0088]; paragraph [0089]; paragraphs [0090]-[0093]; paragraph [0104]; vendor ID [described as possibly part of a "Device ID"] is assigned by USPS; invention may be applied to first class mail pieces; mailing subscriber identifier is vendor ID; ID is a tracking ID; mailing identifier is user account number plus piece count [or ascending register]; vendor ID plus user account number plus piece count [or ascending register] is to be

unique over a period of time, thereby allowing tracking; may include POSTNET bar code, which identifies delivery address).

Montgomery et al. fails to disclose wherein the tracking identifier includes the destination tracking service type. Baker et al. discloses wherein the tracking identifier includes the destination tracking service type (paragraph [0002]; paragraph [0020]; paragraph [0028]; first two digits of PLANET code is service type). It would have been obvious to one of ordinary skill in the art at the time of Applicants' invention to modify the invention of Montgomery et al. such that the tracking identifier includes the destination tracking service type, as disclosed by Baker et al. Motivation is provided by Baker et al. in that the service type indicates whether an origin CONFIRM service or a destination CONFIRM service is desired (paragraph [0002]; paragraph [0020]; paragraph [0028]).

As per **Claim 14**, Montgomery et al. further discloses said method further comprising: encoding the next available first class mail piece identifier as a graphic symbology (Figure 19).

As per **Claim 15**, Montgomery et al. further discloses wherein the graphic symbology is a one-dimensional bar-code (Figures 20 and 21; paragraph [0146]).

As per **Claim 16**, Montgomery et al. further discloses said method further comprising: printing the graphic symbology (paragraph [0095]).

As per Claim 17, Montgomery et al. further discloses said method further comprising: printing postage indicium in accordance with the postage printing request (paragraph [0133]).

14. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Montgomery et al. in view of Baker et al. in further view of Denman, U.S. Patent No. 5,737,729.

As per Claim 6, Montgomery et al. and Baker et al. fail to disclose wherein the delivery address identifier is obtained from Internet-based postage delivery address information. Denman discloses wherein the delivery address identifier is obtained from Internet-based postage delivery address information (column 2, lines 27-45; column 5, lines 15-53; column 6, lines 14-52). It would have been obvious to one of ordinary skill in the art at the time of Applicants' invention to modify the invention of Montgomery et al. as modified in the rejection for claim 5 such that the delivery address identifier is obtained from Internet-based postage delivery address information, as disclosed by Denman. Motivation is provided by Denman in that such a configuration allows for address searching (column 2, lines 27-45; column 5, lines 15-53; column 6, lines 14-52).

Conclusion

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

16. **Examiner's Note:** Examiner has cited particular portions of the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to NATHAN ERB whose telephone number is (571)272-7606. The examiner can normally be reached on Mondays through Fridays, 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nathan Erb
Examiner
Art Unit 3628

Nhe

/JOHN W HAYES/
Supervisory Patent Examiner, Art Unit 3628